

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

JUN 03 2005

(use as many sheets as necessary)

of 14

Complete if Known

Application Number	10/038,271
Filing Date	October 23, 2001
First Named Inventor	Fallaux et al.
Group Art Unit	2832 1633
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.6US

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
SDP		4,487,829	12/11/84	Sharp et al.	
		4,517,686	05/21/85	Ruoslahti et al.	
		4,578,079	03/25/86	Ruoslahti et al.	
		4,589,881	05/20/86	Pierschbacher et al.	
		4,593,002	06/03/86	Dulbecco	
		4,792,525	12/20/88	Ruoslahti et al.	
		4,797,368	01/10/89	Carter et al.	
		4,956,281	09/11/90	Wallner et al.	
		5,024,939	06/18/91	Gorman	
		5,096,815	03/17/92	Ladner et al.	
		5,166,320	11/24/92	Wu et al.	
		5,198,346	03/30/93	Ladner et al.	
		5,204,445	04/20/93	Plow et al.	
		5,223,394	06/29/93	Wallner	
		5,223,409	06/29/93	Ladner et al.	
		5,240,846	08/31/93	Collins et al.	
		5,246,921	09/21/93	Reddy et al.	
		5,332,567	07/26/94	Goldenberg	
		5,349,053	09/20/94	Landolfi	
		5,403,484	04/04/95	Ladner et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		EP 259212	08/11/87	Transgene S.A.		
SDP	✓	WO 91/00360	01/10/91	Medarex, Inc.		
	✓	WO 91/05871	05/02/91	Medarex, Inc.		
	✓	WO 91/05805	05/02/91	Trustees of Dartmouth College		
	✓	WO 92/02553	02/20/92	Delta Bi-Otechnology Limited		
	✓	WO 92/13081	08/06/92	British Technology Group PLC		

no translation

Examiner
Signature

Scott D. Priebe

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 14

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Attorney Docket Number	2578-3833.6US

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SDP		5,436,146	07/25/95	Shenk et al.	
		5,443,953	08/22/95	Hansen et al.	
		5,474,935	12/12/95	Chatterjee et al.	
		5,521,291	05/28/96	Curiel et al.	
		5,534,423	07/09/96	Plasson et al.	
		5,543,328	08/06/96	McClelland et al.	
		5,547,932	08/20/96	Curiel et al.	
		5,552,311	09/03/96	Sorscher et al.	
		5,559,099	09/24/96	Wickham et al.	
		5,571,698	11/05/96	Ladner et al.	
		5,622,699	04/22/97	Ruoslahti et al.	
		5,712,136	01/27/98	Wickham et al.	
		5,731,190	03/24/98	Wickham et al.	
		5,756,086	05/26/98	McClelland et al.	
		5,770,442	06/23/98	Wickham et al.	
		5,846,782	12/08/98	Wickham et al.	
		5,849,561	12/15/98	Falck-Pedersen	
		5,856,152	01/05/99	Wilson et al.	
		5,871,727	02/16/99	Curiel	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
SDP	✓	WO 93/03769	03/04/93	U.S. Dept. of Health and Human Services		
	✓	WO 93/06223	04/01/93	Centre National De La Recherche Scientifique		Abst. only
	✓	WO 93/07282	04/15/93	Boehringer Ingelheim International GMBH		Abst. only
	✓	WO 93/07283	04/15/93	Boehringer Ingelheim International GMBH		Abst. only
	✓	WO 94/10323	05/11/94	Imperial Cancer Research Technology Limited		

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Scott D. Prike

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SDP		5,871,982	02/16/99	Wilson et al.	
		5,877,011	03/02/99	Armentano et al.	
		5,922,315	07/13/99	Roy	
		6,057,155	05/02/00	Wickham et al.	
		6,100,086	08/08/00	Kaplan et al.	
		6,127,525	10/03/00	Crystal et al.	
		6,287,857	09/11/01	O'riordan et al.	
		6,486,133	11/26/02	Herlyn et al.	
		6,492,169	12/10/02	Vogels et al.	
		6,669,942	12/30/03	Perricaudet et al.	

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
SDP	✓	WO 94/15644	07/21/94	Imperial Cancer Research Technology Limited		
	✓	WO 94/17832	08/18/94	The Scripps Research Institute		
	✓	WO 94/24299	10/27/94	Boehringer Ingelheim International GMBH		Abst. only
	✓	WO 94/26915	11/24/94	The Regents of the University of Michigan		
	✓	WO 95/05201	02/23/95	Genetic Therapy, Inc.		

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Scott D. Prike

Date
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Application Number	10/038,271
			Filing Date	October 23, 2001
			First Named Inventor	Fallaux et al.
			Group Art Unit	1632 1633
			Examiner Name	D. Nguyen
(use as many sheets as necessary)			Attorney Docket Number	2578-3833.6US
Sheet	4	of	14	

FOREIGN PATENT DOCUMENTS						
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		Country Code ² - Number ³ - Kind Code ⁴ (if known)				
SDP	✓	WO 95/06745	03/09/95	Max-Planck-Gesellschaft Zur Förderung Der Wissenschaften E.U.		Abstr. only
	✓	WO 95/14785	06/01/95	Rhone-Poulenc Rorer S.A.		Abstr. only
	✓	WO 95/16037	06/15/95	Menarini Ricerche Sud S.p.A.		
	✓	WO 95/21259	08/10/95	U.S. Dept. of Health and Human Services		
	✓	WO 95/26412	10/05/95	The UAB Research Foundation		
	✓	WO 95/31187	11/23/95	McMaster University		
	✓	WO 95/31566	11/23/95	Viagene, Incorporated		
	✓	WO 96/00326	01/04/96	Reinert, Gary, L., Sr.		
	✓	WO 96/00790	01/11/96	Rhone-Poulenc Rorer S.A.		Abstr. only
	✓	WO 96/07739	03/14/96	Neurocrine Biosciences, Incorporated		
	✓	WO 96/10087	04/04/96	Rhone-Poulenc Rorer S.A.		Abstr. only
	✓	WO 96/12030	04/25/96	Rhone-Poulenc Rorer S.A.		Abstr. only
	✓	WO 96/13598	05/09/96	The Trustees of the University of Pennsylvania		
	✓	WO 96/13597	05/09/96	The Trustees of the University of Pennsylvania		
	✓	WO 96/14837	05/23/96	Genetic Therapy, Inc.		
	✓	WO 96/17073	06/06/96	Takara Shuzo Co., LTD.		Abstr. only
	✓	WO 96/18740	06/20/96	Rhone-Poulenc Rorer S.A.		Abstr. only
	✓	WO 96/24453	08/15/96	Withers, Graham, Rex		
	✓	WO 96/26281	08/29/96	Genvec, Inc. Cornell Research Foundation, Inc.		
	✓	WO 96/35798	11/14/96	Introgene B.V.		
	✓	WO 97/00326	01/03/97	Introgene B.V.		
	✓	WO 97/12986	04/10/97	Cornell Research Foundation, Inc.		
	✓	WO 97/20575	06/12/97	The University of Alabama at Birmingham Research Foundation		

Examiner Signature	<i>Scott D. Piche</i>	Date Considered	10/11/05
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Sheet

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Application Number	10/038,271
Filing Date	October 23, 2001
First Named Inventor	Fallaux et al.
Group Art Unit	1632 / 633
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.6US

FOREIGN PATENT DOCUMENTS

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		Country Code ² - Number ⁴ - Kind Code ³ (if known)				
SDP	✓	WO 97/38723	10/23/97	Immusol Incorporated		
	✓	WO 98/07865	02/26/98	Genvec, Inc.		
	✓	WO 98/11221	03/19/98	Dana-Farber Cancer Institute		
	✓	WO 98/13499	04/02/98	The Scripps Research Institute		
	✓	WO 98/22609	05/28/98	Genzyme Corporation		
	✓	WO 98/32842	07/30/98	Genetic Therapy, Inc.		
	✓	WO 98/40509	09/17/98	Genvec, Inc.		
	✓	WO 98/49300	11/05/98	Collateral Therapeutics		
	✓	WO 98/50053 A1	11/12/98	Genetic Therapy, Inc.		
	✓	EP 1016726	12/30/98	Intogene B.V.		
	✓	WO 99/32647	07/01/99	Intogene B.V.		
	✓	EP 1067188	07/08/99	Intogene B.V.		
	✓	WO 99/47180A1	09/23/99	Genzyme Corporation		
	✓	WO 99/55132	11/04/99	Intogene B.V.		
	✓	WO 99/58646	11/18/99	Genera S.P.A.		
	✓	EP 1020529	11/19/99	Intogene B.V.		
	✓	WO 00/03029	01/20/00	Intogene B.V.		
	✓	WO 00/24730 A2	05/04/00	The University of British Columbia		
	✓	WO 00/31285	06/02/00	Intogene B.V.		
	✓	WO 00/52186	09/08/00	Intogene B.V.		
	✓	WO 00/70071 A1	11/23/00	Intogene B.V.		
	✓	WO 01/04334	01/18/01	Intogene B.V.		
	✓	WO 01/90158 A1	11/29/01	Crucell Holland B.V.		
	✓	WO 02/24730	03/28/02	Crucell Holland B.V.		
	✓	WO 02/27006	04/04/02	Crucell Holland B.V.		

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First Named Inventor	Fallaux et al.
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Examiner Name	D. Nguyen
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
SDP	✓	ABRAHAMSEN et al., "Construction of an Adenovirus Type 7a E1A Vector," JOURNAL OF VIROLOGY, NOV. 1997, P. 8946-8951 Vol. 71, No. 11.	
	✓	ALBIGES-RIZO et al., "Human Adenovirus Serotype 3 Fiber Protein," Journal of Biological Chemistry, 266(6), 3961-3967 (1991).	
	✓	ANDERSON, Nature, "Human gene therapy," Apr. 1998, Vol. 392, pp. 25-30.	
	✓	ATHAPPILLY et al., "The Refined Crystal Structure of Hexon, the Major Coat Protein of Adenovirus Type 2, at 2.9 Å Resolution," J. Mol. Biol. (1994) 242, 430-455.	
	✓	BAI et al., "Mutations That Alter an Arg-Gly-Asp (RGD) Sequence in the Adenovirus Type 2 Penton Base Protein Abolish Its Cell-Rounding Activity and Delay Virus Reproduction in Flat Cells," Journal of Virology, 67(9), 5198-5205 (1993).	
	✓	BAILEY et al., "Phylogenetic Relationships among Adenovirus Serotypes," Virology, 205, 439-452 (1994).	
SDP	✓	BALL-GOODRICH et al., "Parvoviral Target Cell Specificity: Acquisition of Fibrotropism by a Mutant of the Lymphotropic Strain of Minute Virus of Mice Involves Multiple Amino Acid Substitutions within the Capsid," Virology, 184, 175-186 (1991), <i>Abstract only.</i>	
		BASLER et al., "Sequence of the immunoregulatory early region 3 and flanking sequences of adenovirus type 35, 1996, Gene 170:249-254.	
SDP	✓	BASLER et al., "Subgroup B Adenovirus Type 35 Early Region 3 mRNAs Differ from Those of the Subgroup C Adenoviruses," VIROLOGY 215, 165-177 (1996).	
	✓	BATRA et al., "Receptor-mediated gene delivery employing lectin-binding specificity," Gene Therapy, 1, 255-260 (1994).	
	✓	BERENDSEN, Herman J.C., A Glimpse of the Holy Grail, Science, 1998, Vol. 282, pp. 642-43.	
	✓	BOURNELL et al., "In vitro construction of a recombinant adenovirus Ad2:Ad5," Gene, 13, 311-317 (1981).	
	✓	BRIDGE et al., "Adenovirus Early Region 4 and Viral DNA Synthesis," Virology 193, 794-801 (1993).	

no copy

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
SDP	✓	BRODY et al., "Adenovirus-Mediated in Vivo Gene Transfer," <i>Annals New York Academy of Sciences</i> pp.90-100.	
	✓	CAILLET-BOUDIN et al., "Functional and Structural Effects of an Ala to Val Mutation in the Adenovirus Serotype 2 Fibre," <i>J. Mol. Biol.</i> , 217, 477-486 (1991).	
	✓	CHIU et al., Folding & Design, "Optimizing energy potentials for success in protein tertiary structure prediction," May 1998, 3:223-228.	
	✓	CHROBOCZEK et al., Adenovirus Fiber, <i>Current Topics in Microbiology and Immunology</i> 1995;199 (Pt 1) pp. 163-200.	
	✓	CHU et al., "Cell targeting with retroviral vector particles containing antibody-envelope fusion proteins," <i>Gene Therapy</i> , 1, 292-299 (1994), <i>Abstract only</i>	
	✓	COTTEN et al., "Transferrin-polycation-mediated introduction of DNA into human leukemic cells: Stimulation by agents that affect the survival of transfected DNA or modulate transferrin receptor levels," <i>Proc. Natl. Acad. Sci. USA</i> , 87, 4033-4037 (1990).	
	✓	COTTEN et al., "High-efficiency receptor-mediated delivery of small and large (48 kilobase gene constructs using the endosome-disruption activity of defective or chemically inactivated adenovirus particles," <i>Proc. Natl. Acad. Sci. USA</i> , 89, 6094-6098 (1992).	
	✓	CRAWFORD-MIKSZA et al., "Adenovirus Serotype Evolution Is Driven by Illegitimate Recombination in the Hypervariable Regions of the Hexon Protein," <i>Virology</i> , 224, 357-367 (1996).	
	✓	CRAWFORD-MIKSZA et al., "Analysis of 15 Adenovirus Hexon Proteins Reveals the Location and Structure of Seven Hypervariable Regions Containing Serotype-Specific Residues," <i>Journal of Virology</i> , Mar. 1996, p. 1836-1844.	
	✓	CROMPTON et al., "Expression of a foreign epitope on the surface of the adenovirus hexon," <i>J. Gen. Virol.</i> , 75(1), 133-139 (1994).	
✓	✓	CRYSTAL, Ronald G., "Transfer of Genes to Humans: Early Lessons and Obstacles to Success," <i>Science</i> , 270, 404-410 (1995).	

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First Named Inventor	Fallaux et al.
Group Art Unit	4632 1633
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.6US

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	✓	CURIEL et al., "Adenovirus enhancement of transferring-polylysine-mediated gene delivery," Proc. Natl. Acad. Sci. USA, 88, 8850-8854 (1991).	
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	✓	FALGOUT et al., "Characterization of Adenovirus Particles Made by Deletion Mutants Lacking the Fiber Gene," Journal of Virology, 62(2), 622-625 (1988).	

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✓	✓	HE et al., "A simplified system for generating recombinant adenoviruses," Proc. Natl. Acad. Sci. USA Vol. 95, pp. 2509-2514, March 1998.	

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Group Art Unit	1632 / 633
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	✓	KARAYAN et al., "Oligomerization of Recombinant Penton Base of Adenovirus Type 2 and Its Assembly with Fiber in Baculovirus-Infected Cells," <i>Virology</i> , 202, 782-795 (1994).	
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	✓	KMIEC, "Gene Therapy," <i>American Scientist</i> , Vol. 87, pp 240-247, 1999.	
✓	✓	KOMORIYA et al., "The Minimal Essential Sequence for a Major Cell Type-specific Adhesion Site (CS1) within the Alternatively Spliced Type III Connecting Segment Domain of Fibronectin Is Leucine-Aspartic Acid-Valine," <i>Journal of Biological Chemistry</i> , 266(23), 15075-15079 (1991).	

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✓	✓	MICHAEL et al., "Addition of a short peptide ligand to the adenovirus fiber protein," Gene Therapy, 2, 660-668 (1995).		

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✓	✓	ROBERTS et al., "Three-Dimensional Structure of the Adenovirus Major Coat Protein Hexon," Science, 232, 1148-51 (1986).		

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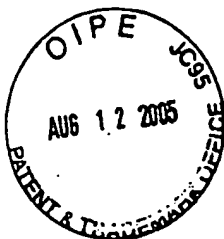
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STATEMENT BY APPLICANT**

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Sheet 1 of 2

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Application Number	10/038,271
Filing Date	October 23, 2001
First Named Inventor	Fallaux et al.
Group Art Unit	1632 / 1633
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.61US

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
SDP		ACSADI et al., Adenovirus-mediated gene transfer into striated muscles, J Mol Med, 1995, pp. 165-80, Vol. 73.	
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		HITT et al., Construction and Propagation of Human Adenovirus Vectors, Cell Biology, 1994, pp. 479-90, Vol. 1, Academic Press, San Diego, California.	
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		NCBI database excerpt: Locus AC_000008 (human adenovirus type 5)	
		Notice of Opposition to a European Patent by Serono International S.A. filed against Patent No. 0 833 934 (July 5, 2005).	
✓		Opposition lodged by Cevec Pharmaceuticals GmbH against European Patent 0 833 934 (July 5, 2005).	

Examiner
Signature

Scott D. Priete

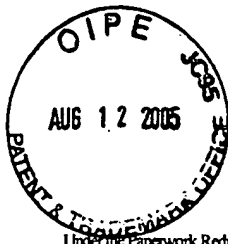
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PTO/SB/08B(10-03)

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Application Number	10/038,271
Filing Date	October 23, 2001
First Named Inventor	Fallaux et al.
Group Art Unit	2632/633
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833 6115

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
SDP		PESHA et al., Cultivation of Mammalian Cells as Aggregates in Bioreactors: Effect of Calcium Concentration on Spatial Distribution of Viability, 1993, pp. 179-87, Vol. 41, <i>Biotech. Bioeng.</i>	
		PRELICH et al., Functional Characterization of Thermolabile DNA-Binding Proteins That Affect Adenovirus DNA Replication, Journal of Virology, Mar. 1986, pp. 883-92, Vol. 57, No. 3.	
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		WHITE et al., Specific disruption of intermediate filaments and the nuclear lamina by the 19-kDa product of the adenovirus E1B oncogene, Proc. Natl. Acad. Sci., December 1989, pp. 9886-90, Vol. 86.	
		WHITE et al., The 19-Kilodalton Adenovirus E1B Transforming Protein Inhibits Programmed Cell Death and Prevents Cytolysis by Tumor Necrosis Factor alpha, Molecular and Cellular Biology, June 1992, pp. 2570-80, Vol. 12, No. 6.	
		WOODWORTH et al., Transformation of Differentiated Rat Hepatocytes with Adenovirus and Adenovirus DNA, Journal of Virology, Nov. 1987, pp. 3570-79, Vol. 61, No. 11.	

Examiner Signature	Scott D. Pribe	Date Considered	10/11/05
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